

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FILED/ACCEPTED

MAY - 5 2008

Federal Communications Commission  
Office of the Secretary

In the Matter of	)	
	)	
Mid-Rivers Telephone Cooperative, Inc.	)	CC Docket No. 96-45
	)	
Petition for Waiver of the Definition of	)	
"Study Area" of the Appendix-Glossary	)	
of Part 36 of the Commission's Rules;	)	
Petition for Waiver of Section	)	
69.3(e)(11) of the Commission's Rules	)	

### COMMENTS OF QWEST CORPORATION

Qwest Corporation ("Qwest") files these comments in support of the March 14, 2008, petition for waiver filed by Mid-Rivers Telephone Cooperative, Inc. ("Mid-Rivers").<sup>1</sup> In its petition Mid-Rivers seeks a waiver in order to include the Terry, Montana exchange in Mid-Rivers' Montana study area.

Granting Mid-Rivers' petition is in the public interest, which is the third prong of the Federal Communications Commission's ("Commission") three-part test for analyzing study area waiver petitions.<sup>2</sup> As the Commission is well aware Mid-Rivers is the dominant carrier in the Terry, Montana exchange, with more than 90 percent of the access lines. "A study area is a geographical region generally composed of a telephone company's exchanges within a single state."<sup>3</sup> Thus, it is fitting that Mid-Rivers, as an incumbent, and as the dominant carrier in the Terry exchange, include the exchange in its study area. As a result of Mid-Rivers' commercial success in the Terry exchange, the Commission declared Mid-Rivers the incumbent local

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<sup>1</sup> See Public Notice, DA 08-779, rel. Apr. 3, 2008.

<sup>2</sup> The first two prongs are impact on the federal Universal Service Fund and support of the state commission. Mid-Rivers dealt with those items in its filing. Qwest will not address them here.

<sup>3</sup> *In the Matter of Amendment of Part 36 of the Commission's Rules and Establishment of a Joint Board*, Notice of Proposed Rulemaking, 5 FCC Rcd 5974 ¶ 4 (1990).

exchange carrier (“LEC”) in that exchange.<sup>4</sup> In addition, the Commission has agreed that Qwest qualifies for non-dominant carrier treatment in the Terry exchange<sup>5</sup> and granted Qwest forbearance from regulation as an incumbent LEC under Sections 251(c), 252 and 271 of the Telecommunications Act of 1996.<sup>6</sup> Granting the study area waiver would be consistent with the Commission’s earlier decisions.

The Commission should include the entire Terry exchange in Mid-Rivers’ Montana study area. Mid-Rivers’ petition did not describe the area that Mid-Rivers would like to include in its study area. It makes sense to include the entire exchange in Mid-River’s study area since the Commission granted its earlier orders for that geographic area. Accordingly, Qwest attaches a map showing the Terry exchange.

In sum, the Commission should grant Mid-Rivers’ petition and include the entire Terry, Montana exchange in Mid-Rivers’ Montana study area.

Respectfully submitted,

QWEST CORPORATION

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Its Attorneys

May 5, 2008

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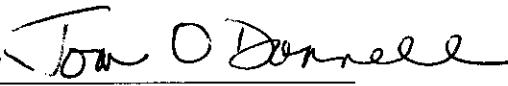
<sup>4</sup> *In the Matter of Petition of Mid-Rivers Telephone Cooperative, Inc. for Order Declaring it to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2)*, Report and Order, 21 FCC Rcd 11506 (2006).

<sup>5</sup> *Id.*

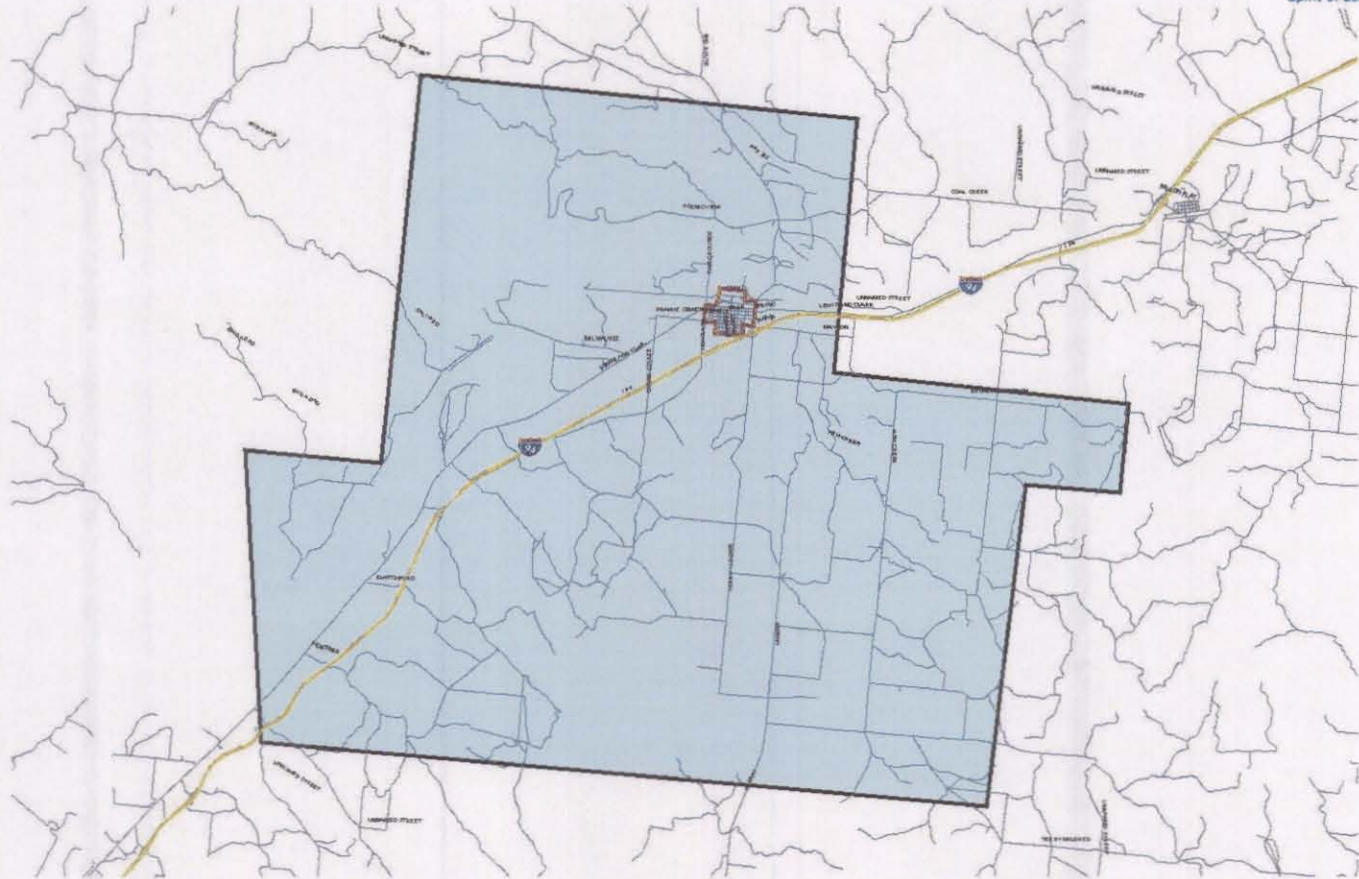
<sup>6</sup> *In the Matter of Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Resale, Unbundling and Other Incumbent Local Exchange Requirements Contained in Sections 251 and 271 of the Telecommunications Act of 1996 in the Terry, Montana Exchange*, WC Docket No. 07-9, FCC 08-118, rel Apr. 21, 2008.

CERTIFICATE OF SERVICE

I, Joan O'Donnell, do hereby certify that I have caused the foregoing **COMMENTS OF QWEST CORPORATION** to be: 1) filed with the Secretary via hard copy in CC Docket No. 96-45 (original and four copies plus one for stamp and return); served via hard copy on 2) the FCC's duplicating contractor, Best Copy and Printing, Inc. at 445 12<sup>th</sup> Street, S.W., Room CY-B402; 3) Gary Seigel, Telecommunications Access Policy Division, Wireline Competition Bureau at 445 12<sup>th</sup> Street, S.W., Room 5-C408; 4) Katie King, Telecommunications Access Policy Division, Wireline Competition Bureau at 445 12<sup>th</sup> Street, S.W., Room 5-B544; 5) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau at 445 12<sup>th</sup> Street, S.W., Room 5B-521; and; 6) James Bird, Office of General Counsel at 445 12<sup>th</sup> Street, S.W., Room 8-C824.



/s/   
Joan O'Donnell

May 5, 2008



A scale bar with markings at 0, 3, and 6 miles. The bar is divided into segments, with the first segment from 0 to 3 miles being white and the subsequent segments being black.

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-  Interstate Highways  
 Streets  
 City of Terry  
 QwestWire Center